

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

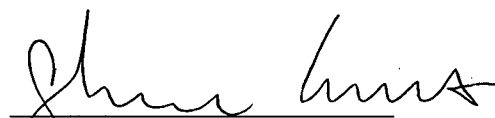
PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	PCB No. 03-191
)	(Enforcement-Land)
COMMUNITY LANDFILL COMPANY, INC.,)	
an Illinois corporation, and)	
the CITY OF MORRIS, an Illinois)	
municipal corporation,)	
)	
Respondents.)	

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that we have today, June 15, 2009, filed with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing, Complainant's Response to Motion to Strike, a copy of which is attached and herewith served upon you.

PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN
Attorney General of the
State of Illinois

BY:


CHRISTOPHER GRANT
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Chicago, IL 60602
(312) 814-5388

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Complainant,)	
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RESPONSE TO MOTION TO STRIKE

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, and responds to the City of Morris's (Morris's) Motion to Strike the State's Request for Final Order.

1. Morris's objections put form over substance. A 'Motion' is "[a] *written or oral application requesting a court to make a specified ruling or order*". Black's Law Dictionary (7th Edition, 1999). The Board can certainly treat the State's "Request for a Final Order" as a "Motion for Final Order" if it so chooses.

2. However, the State's Request for Final Order is primarily intended to advise the Board of the serious and illegal conduct of the Respondents at present, and to remind the Board that the State is hindered from enforcing the law until the Board issues its decision.

3. The State is not asking that new evidence be considered for additional daily penalties. Rather the State is asking the Board to make a final decision, so that continued illegal dumping by Morris and Community Landfill Company may finally be stopped.

4. Thus, the State's Request for Final Order does not easily fit into one of the

enumerated categories in the Board Procedural Rules¹. However, the State is confident that the Board has authority to consider its Request under Section 5/5(d) of the Act, 415 ILCS 5/5(d) (2006), 35 Ill. Adm. Code Sections 101.100(b), and 101.500(a), as well as other sections of the Act and Board regulations.

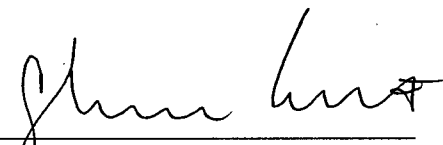
WHEREFORE, Complaint requests that the Board deny Morris's Motion to Strike, consider the evidence presented at the 2007 hearing on remedy, and issue its final order in this case as soon as possible.

RESPECTFULLY SUBMITTED
PEOPLE OF THE STATE OF ILLINOIS
by LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

ROSEMARIE CAZEAU, Chief
Environmental Bureau North

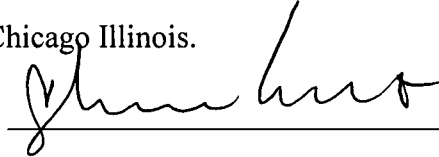
BY:


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(312)814-5388

¹Complainant does not believe that its Request is technically a 'Motion for Expedited Review' pursuant to 735 ILCS 101.512, as such Motions are filed along with the request for relief, and accordingly would have been filed with Complainant's Post-Hearing Brief.

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 15th day of June, 2009, the foregoing Response to Motion to Strike, and Notice of Filing, upon the persons listed below, by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago Illinois.



CHRISTOPHER GRANT

Service List

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